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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/759,811	01/16/2004	Patrick Miles	039US1

CONFIRMATION NO. 8249

30328
NU VASIVE, INC.
10065 OLD GROVE ROAD
SAN DIEGO, CA 92131

FORMALITIES LETTER



OC000000012432028

Date Mailed: 04/23/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- o The oath or declaration is unsigned.
- o To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$65 for a Small Entity

- o \$65 Late oath or declaration Surcharge.

Items Required To Avoid Processing Delays:

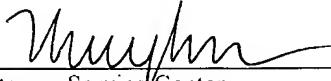
The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid processing delays.

- o A new oath or declaration, identifying this application number is required. The oath or declaration does not comply with 37 CFR 1.63 in that it:
- o does not identify the residence (e.g., city and either state or foreign country) of each inventor.
- o Proof of authority of the legal representative under 37 CFR 1.44.

Replies should be mailed to: Mail Stop Missing Parts

Commissioner for Patents
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A copy of this notice MUST be returned with the reply.

A handwritten signature in black ink, appearing to read "Muylen", is written over a horizontal line.

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Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY